

**CALENDAR ITEM**

**C17**

A 1

12/18/15

S 1

PRC 5357.1  
S. Kreutzburg

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003; and Donald Macleod and Mary L. Macleod, trustees of the Macleod Family Trust Dated January 31, 2005

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Lake Tahoe, adjacent to 3800 and 3810 North Lake Boulevard, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier, unenclosed boathouse with sundeck and stairs, and four mooring buoys.

**LEASE TERM:**

10 years, beginning December 16, 2015.

**CONSIDERATION:**

\$3,483 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

CALENDAR ITEM NO. **C17** (CONT'D)

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.
3. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premise.

**OTHER PERTINENT INFORMATION:**

1. Donald Macleod and Mary L. Macleod, Trustees of the Macleod Family Trust Dated January 31, 2005, own the upland parcel where the pier is located. David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003, own the neighboring upland parcel, and have an easement to cross the Macleods' parcel to use the facilities. The Macleods and Sheltons share use and ownership of the pier.
2. On December 8, 2005, the Commission authorized a 10-year General Lease – Recreational Use to the Sheltons and the Macleods. The lease expired on December 15, 2015.
3. The Applicant is now applying for a General Lease – Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C17** (CONT'D)

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003; and Donald Macleod and Mary L. Macleod, Trustees of the Macleod Family Trust Dated January 31, 2005, for a term of 10 years, beginning December 16, 2015, for the continued use and maintenance of an existing joint-use pier, unenclosed boathouse with sundeck and stairs, and four mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$3,483, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 5357.1**

**LAND DESCRIPTION**

Five (5) parcels of submerged land situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 - PIER**

All those lands underlying an existing pier, sundeck with stairs, and boathouse lying adjacent to those parcels as described in Grant Deed recorded February 4, 2005 as Document Number 20050014308 and Grant Deed recorded June 12, 2015 as Document Number 20150049834 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

**PARCELS 2 thru 5 - BUOYS**

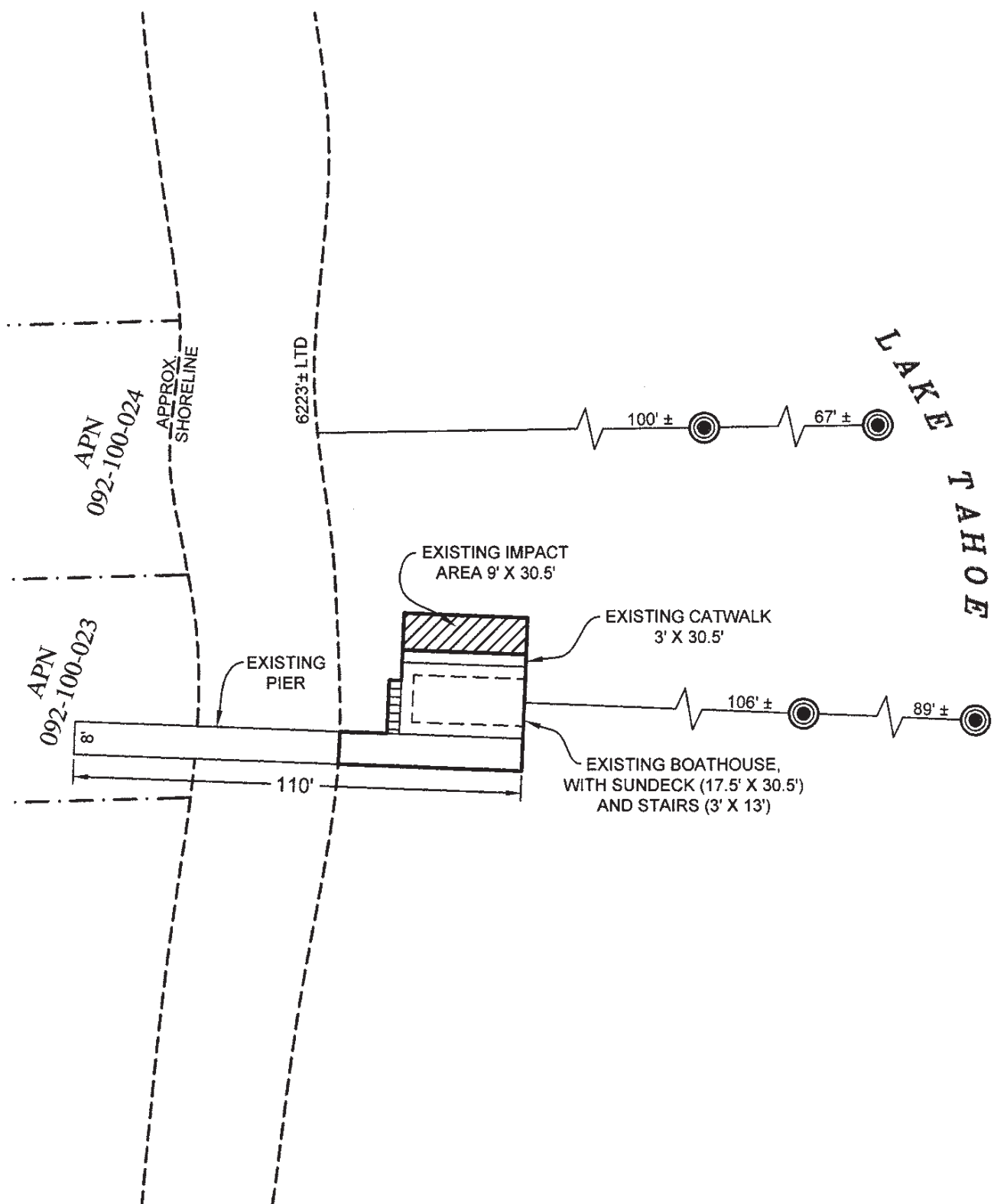
Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to those parcels as described in Grant Deed recorded February 4, 2005 as Document Number 20050014308 and Grant Deed recorded June 12, 2015 as Document Number 20150049834 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 11/03/2015 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

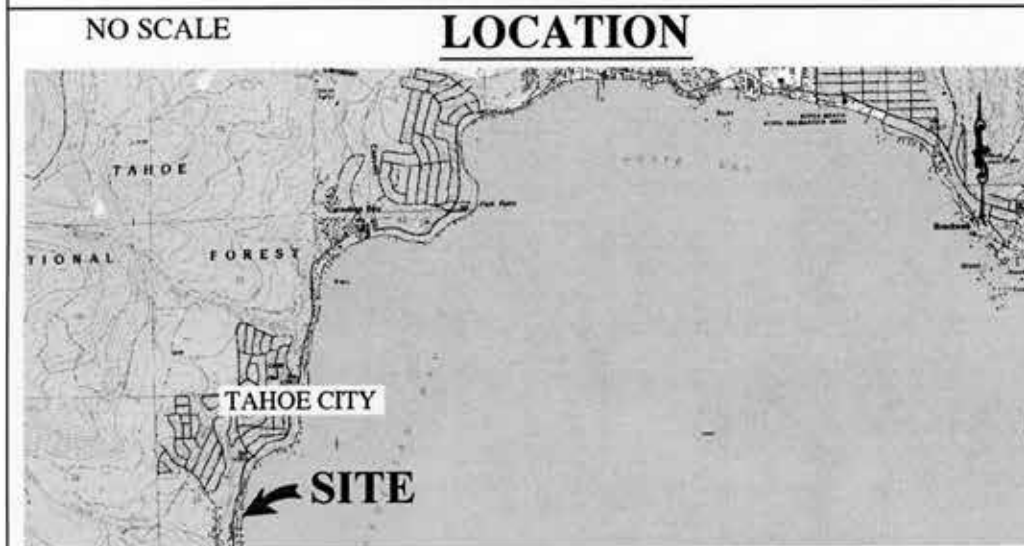
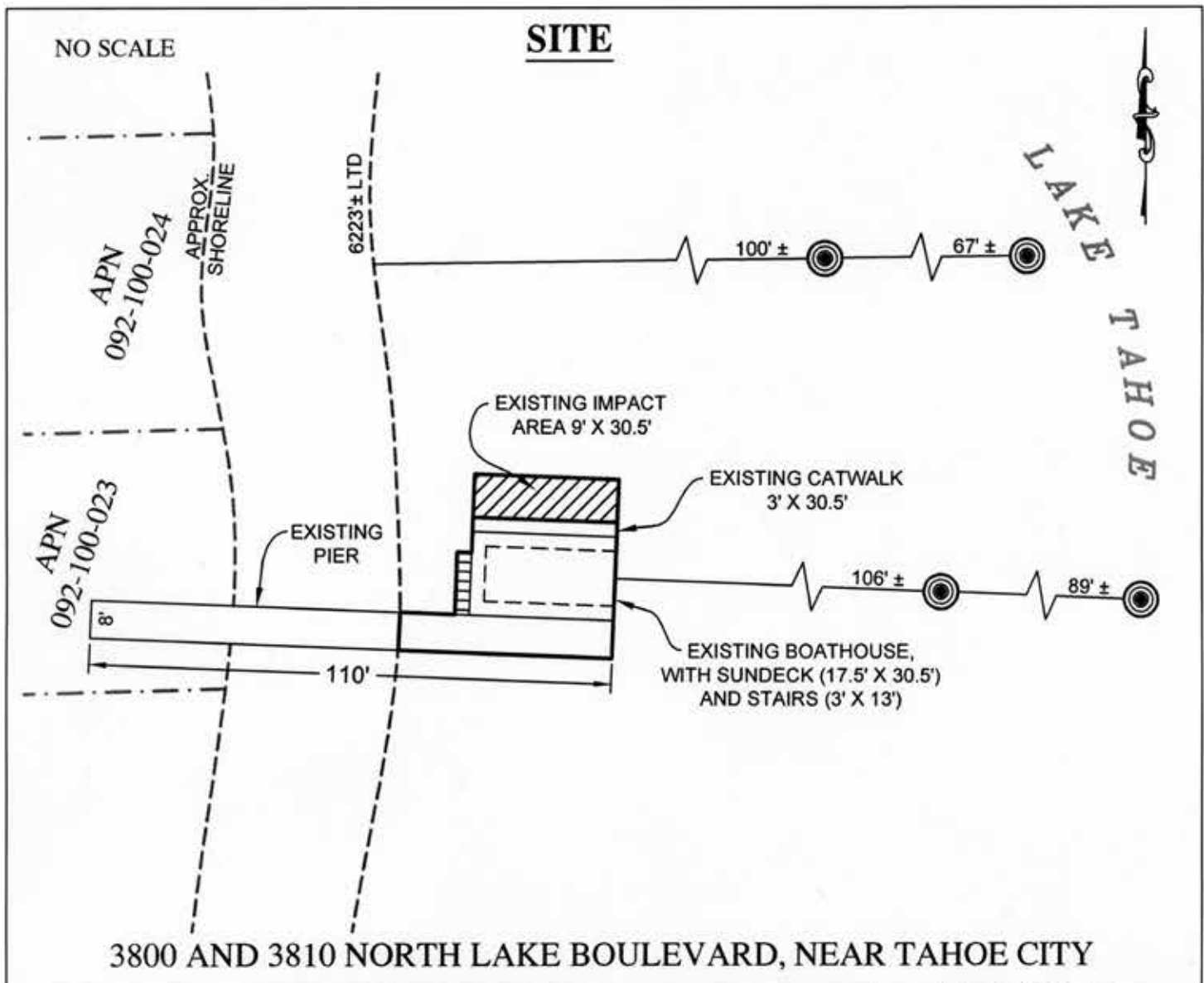
Page 2 of 2

RGB 11/03/15

LAND DESCRIPTION PLAT  
PRC 5357.1, MACLEOD & SHELTON  
TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



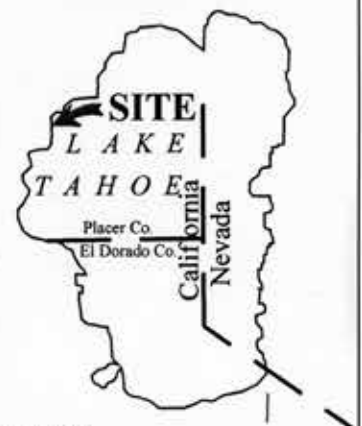


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 5357.1  
 MACLEOD & SHELTON  
 TRUST  
 APN 092-100-023 & 024  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



RGB 11/03/15